## IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF TENNESSEE COOKEVILLE DIVISION

RENITA DARLING	)	
Plaintiff,	) ) )	
v.	į	NO. 2:05-0017
	)	JUDGE HAYNES
J.B. EXPEDITED SERVICES, INC.	)	
C & M Transport, Corp.	)	
	)	
Defendants.	)	

## ORDER

In accordance with the Memorandum filed herewith, the Defendant J.B. Expedited Inc.'s motions for summary judgment, (Docket Entry Nos. 37 and 55) are GRANTED in part, to dismiss the Plaintiff's joint enterprise claim against this defendant, but is otherwise **DENIED**. The Defendant Kusnierz's motion for summary judgment (Docket Entry No. 34) is **DENIED**. The Defendant C & M Transport's motion for summary judgment (Docket Entry No. 38) is **DENIED**. The Defendants' motion for hearing (Docket Entry No. 40) is **DENIED**. The Defendant Kusnierz's motion to strike affidavits (Docket Entry No. 51) is **DENIED**. The Plaintiff's motion for sanctions (Docket Entry No. 57) is **GRANTED** in part, to grant a jury instruction on spoliation of evidence, but is otherwise **DENIED**. Plaintiff's motion for Order of reference for ADR proceedings (Docket Entry No. 68) is **DENIED**.

It is so **ORDERED**.

ENTERED this the 18 day of August, 2006.

WILLIAM J.HAYNES, JR. United States District Judge